Whitman Depending Upon Officeholders for Election, Says Attorney-General.

ASKS LIGHT ON ISSUES

Explains His Own Attitude on Prohibition, Public Service and Party Conventions.

Why does Gov. Whitman continue t why does Gov. Whitman continue to gray automobile, possibly displaying a remain ellent on the issues of the pri-mary campaign? asks Attorney-Gen-Lafayette street, in consequence, stopped eral Lewis in a statement last night, actorney-General asserts, and the people are entitled to have some explanation from the Governor. He suggests that Mr. Whitman may be relying entirely on his army of officeholders to bring him success in the primaries.

The Attorney-General said:

"In other years the daily newspaper which did not carry a speech from Gov." His own attitude is well known, the

which did not carry a speech from Gov Whitman, delivered before some organi-mation or society, was a curiosity Doubtless his silence is due to the fact that this is campaign period. He probably realises, or at least expects, that his Public Service Commissioners, ten in all, at \$15,000 per year; his Industrial Commissioners at \$8,000 each, and trai Commissioners at \$5,000 each, and secretary to the commission at \$6,000, together with his swarms of subordi-nates, and subordinates of his subordinates, are entirely competent to de-liver the votes of the enrolled Republican voters to him on primary day. 'In a halfbearted way he permitted

who repudiated the support by Hearst's newspapers. This repudiation, it is understood, came near costing him the support of the papers. Mutual explanation to the case of the helpless dementics. tions and applogies were sufficient doubtless to bridge the threatened chamn between the Governor and Mr. It will be noticed that Congressman Cocks has made no similar

Rervice Commission in New York city.

The shuttle system had broken down and hundreds of thousands of people had been discommoded and some of them injured. Commissioner Kracke repudiated the Governor's proffered silibi and volunteered to assume his share of the responsibility for the defects in the plans of the shuttle sys-

miliated and annoyed both by the repudiation of the Hearst support by
l'ongressman Cocks and by the repudiation of his alibi by Commissioner
Stracke. Evidently he became discourKaiser in New York, the courts here hold-

to have him appear before them at meet-ings which they would be glad to at-tend and justify his conduct in connecwith agricultural legislation for h he made himself the sponsor.

"One of the great and really impor-ant questions to be determined at the November election is the question as to whether or not the Federal prohibition mendment shall be ratified by the next legislature without the submission of the question to the voters for their approval. The Governor is on record in avor of such ratification. He would prevent the voters from expressing their vill upon the subject, and it will be remembered sent a message to the Assem-bly in which he denounced the members of that body for what he termed their cowardice in even considering the prop-osition of securing an expression from West F the people on the subject. He has stated that he favors the ratification of the Near Federal probibition amendment by the tate Legislature.

### The Party Convention Issue.

ventions. A great many enrolled Re-publicans are of the opinion that party weifare requires the restoration of the from New Jersey. party convention in order that the party policy may be determined by delegates selected at direct primaries for the purpose of attending such convention and giving expression in the party platform to the party will. The Governor opposes the proposition and prefers that his record be deemed to be a sufficient plat-form, and if not that he be recognized form and if not that he be recognized can branch of a German concern will this transfer arrangement will be consecuted the head of the party and consecute the head of the party and consecute the head of the party and consecute the sold at public auction Tuesday. Au tinued temporarily and passengers urged quently authority to determine what the gust 10, by direction of A. Mitchell to use it and so relieve the shuttle trains.

amendment to the voters of the State for their deliberate and well considered action."

The sale of the Orenstein-Arthur Kop-

Word has just been received at the Lewis headquarters in the Murray Hill Hotel that a Lewis primary campaign committee of 500 members has been formed in Albany county. Senator Henry

One of the hottest fights the Prohibit HELD FOR ELEVATOR DEATHS. tion party in this State ever had is be-ing waged to make Comptroller Eugene M. Travis its candidate for Comptroller in place of Claude V. Stowell of Corn ng, who is being backed by an influ-ntial group opposed to the Comptroller.

# Mt. Vernon Ordinance Becomes Ef-

fective To-morrow Night. Hearst newspapers and those printed in the German language will be barred from sale and distribution in Mount Vernon beginning to-morrow night, it announced last night by J. Henry Esser. Corporation Counsel of that city. It is stated that newsdealers will obey the WED IN CALCUTTA, ordinance and Mr. Esser has instructed

the police to enforce it The decision was reached after the discovery that counsel for the Hearst Bride Goes to England, but papers had not obtained the stay of Bride Goes to England, but Judgment which he announced he would Keeps Appointment in N. Y. The ordinance was upheld by Su-Resolutions presented to the executive committee of the New Jerney State of the United States Steel Cortive committee of the New Jerney State of the United States Steel Cortive committee of the New Jerney State of the United States Steel Cortive committee of the New Jerney State of the United States Steel Cortive committee of the New Jerney State of the United States Steel Cortive committee of the New Jerney State of the United States Steel Corticles and print were found of a German Jerney State of the Hearst publications were tabled to the execution fell in love there with Missister of National Defence attacking Ethel Edna Boulton, a visitor from Stoke-

### POLICE WORK FOR FIELD DAY. were married by Father Cronin in Cal-Commissioner English to Union Men

hibitians are on the programme.

### GOVERNOR'S SILENCE SOS PRIZE FOR COP WHO GETS GAFFNEY STIRS LEWIS'S IRE Enright Pute Patrolmen on Mettle to Catch Convict.

The man who catches Gaffney gets first grade detective rating."

Police Commissioner Enright said this yesterday to \$00 patrolmen representing all of the precincts of New York city, gathered in headquarters yesterday morning. First grade rating carries with it a salary of \$2,450, which is \$950

more per year than a patro man now Warden Hanley took the stand in Gen eral Sessions yesterday before Judge Nott at the trial of John Callahan, who is charged with helping a prisoner es-cape. Mr. Hanley explained that the escape through the kitchen window was

rendered possible by the worn condition of the bars across the window. The police received word late yester-day that Gaffney might be abroad in a many gray cars, but with no result

# GIVEN TO FATHER

Attorney Kaiser Wins Long Court Battle With Twice Divorced Wife.

Emanuel M. Kaiser, a lawyer, 206 Broadway, yesterday won the cdstody of his infant daughter Eleanor in a decision by Justice Mullan in the Supreme This ends a long legal controversy over the child, once kidnapped and himself to say for publication that he taken to Pennsylvania by her mother, approved the interview given by his mrs. Edith Oppenheimer Kalser-Herz, reputed manager. Congressman Cocks. now the wife of a Pitteburg man.

> said: "I have given a great deal of consideration to the case of the helpless child who is the victim of a domestic tragedy. I have reached the conclusion that her own interests, the personal rights of her innocent father and the proper regard of the majesty of the law alike require that her custody be awarded to the father."

Then There is the Shuttle Patilure.

"On the second occasion on which the Governor permitted himself to be quoted he offered an alibi for his Public Revises. Commission in New York alice."

Justice Mullan declares there is no

aged and has concluded that the less ing that the Pennsylvania action was not he may say in this campaign the better binding. Mrs. Kalser was allowed to see her daughter, but took the child out of terms. "The farmers would particularly like contrary to its mandate. She later rehave him appear before them at meeting which they would be glad to attend and justify his conduct in connecting with agricultural legislation for day's decision Mrs. Here will be allowed to see her daughter.

#### REGISTRATION CARD WRONG. Alleged Wife Deserter Arrested o

Double Charge. Failure on the part of John P. hwartz, 25, 811 Forrest avenue, West

Hoboken, to have a proper registration card brought about his arrest in Will lamsburg yesterday and incidentally developed another charge of abandon ing his wife and child. He was arrested by Detective Carroll

at the request of Detective J. T. Reilly, West Hoboken, who had a warrant for chwartz on the abandon Near a factory where Schwartz was employed the Jersey sleuth recognized this quarry, and Carroll demanded to see his registration card Schwartz pro-duced one, but it did not tally with his description, and he admitted that he Then, too, there is the great question his description, and he admitted that he of the restoration of official State con- had none of his own. Magistrate Short manded him to await extradition papers

### TO AUCTION ALIEN'S BEANS.

Sale of German Railway Equip

"My attitude upon these questions is generally understood. I favor the restoration of the party convention and I favor the submission of the prohibition amendment to the voters of the State for their deliberate and well considered as

pel Company of Pittsburg has been postponed until Thursday, September 12. The concern manufactures railway equipment.

Operator at Gotham Hotel In Charged With Homicide. George Luff, 44, elevator operator in

ential group opposed to the Comptroller, the Gotham Hotel, Fifty-fifth street and Fifth avenue, was held in \$2,500 bail on a charge of homicide in the Yorkville police court yesterday Monday evening Mrs. Anna Capthorn, . 358 West Fiftysecond street, at-

tempted to board the elevator operated by Luff and plunged to her death in the shaft. In an attempt to save her Isadore Sohmer, 33, 407 East Fifty. seventh street, was crushed and died

# COUPLE MEET HERE

the Hearst publications were tabled yes-terday because of the absence of the president and tien. Bird W. Spencer, who lied nations. Mr. Crowley's superior ef-

dars, motorcycle races and airplane ex- put a girdle around the world in record

# SUBWAYS CRIPPLED

Schedule of 54 Express Trains an Hour May Be Impossible During War.

MUNITION SCOUTS BUSY

Interborough Employees Are Lured Into War Industries by Increased Pay.

When the H system of East and West Side subways was opened it was announced by the Interborough that an express train schedule of fifty-four to the hour would be installed immediately and maintained. Previously not more than thirty-four express trains to the hour were possible.

It was admitted by Interborough of ficials and members of the Public Service Commission yesterday, that the fifty-four train schedule is not in effect and that the difficulties of operating the subway are increasing daily after two weeks of experimenting. Lack of suffi-cient cars is a factor and so is the un-familiarity of employees with all the in-tricacies of the new system. But the main difficulty is lack of trainmen and those responsible see no relief before

Passengers complained at the office of other said he had missed a train at Pennsylvania station because it had taken him forty minutes in a subway train from Wall and William streets. A woman had been twenty minutes in between Brooklyn Bridge

It was conceded yesterday that ex-press trains on the West Side line had press trains on the West Side line had been six minutes apart at one period of the day aid that on the night before six minutes had elapsed between trains from Bowling Green to Brooklyn. It was said, however, that ticket receipts show many more passengers carried over the two lines than it was a recently the second of the many more passengers carried over the two lines than it was ever possible to accommodate on the old single subway.

Mr. Whitney declared that heavy drafts had been made upon the ranks

munition factories. "A subway trainman," he said, "can not be trained between two days. This is especially true of motormen, who must be picked men. But even with ordinary trainmen great care in selection and training is necessary, and the war industries scouts know this. They know every subway employee has been investigated carefully before he is put to work, and that subway men can be set at work right away without investi-

of subway employees by solicitors for

infested the subways and tempted trainmen. Hundreds have succumbed and one can hardly blame them. Then the trainman who goes to a munition factory or shipyard comes back and shows his pay envelope to his old associates and the subway loses more men. I do not see where sufficient men are coming from."

broke down and was withdrawn pending alterations, the Public Service Commissioners and Interborough officials have received letters suggesting that the shutdown, but has been disapproved by en-gineers, who maintained that the four tracks under Forty-second street could not possibly bear the traffic.

To Reopen Shuttle Service.

The shuttle service opened August will be reopened for another trial as soon as changes at terminal stations are completed, which may be late next

It was stated yesterday that an aver age of \$6,000 fewer passengers a day have bought tickets at Brooklyn Bridge station since the new West Side subway was opened. Monday 28,000 tickets were sold at the Wall street station of the West Side subway.

Since the "H" shuttle service was discontinued passengers between the East and West Sides have transferred from the one subway to the other by walking Fleven hundred bags of cocoa beans formerly owned by the South Ameri-

# NO NEW THORBURN-GATES SUIT

Because a clerk of the Federal District Court absentmindedly took a bill of complaint which had been returned from the chambers of Judge John C. Knox in the Woolworth Building to the Federal Building and stamped "Filed. Aug. 12, 1918," upon it a number of newspapers, including THE SUN. declared yesterday that Robert H. Thor-burn, a former dealer in grain in Chi-cago, had begun a new suit against Mrs. Dellora R. Gates, widow of John

The complaint was an old one, that of a suit brought in April of this year.

similar end. Thorburn asked \$2,100,000 Jured has not yet been solved. The inunder the treble damage provision of the
Sherman law on the claim that he had
suffered a loss of \$700,000 as the result
of an alleged effort to corner the corn
market by the late John W. Corn. plaintiff since 1915, all of which met a of an alleged effort to corner the corn Brooklyn detective.

The arrested man is Haric A Sanborn.

The arrested man is Haric A Sanborn. of an alleged effort to corner the corn | Brooklyn detective market by the late John W. Gates | The arrested man is Harie A Sanborn and the late Charles G. Gates, father and 37, 126 McDougall street, Brooklyn He son, and others in Chicago, 1902. Mrs. | was not charged with responsibility for Gates was sued as the executrix of the the wreck.
estates of her husband and son. Men. The office

committee of the New Jerney characteristics of the Astonal Defence attacking the Hearst publications were tabled as day because of the absence of the absenc

### NEW DRAFT PLANS MADE BY SHERRILL BY LACK OF MEN Arrangements for Prompt Registration Called For.

Adjutant-Gen. Sherrill is preparing for the new draft registrations that will be required under the man power bill pro-

posed by Secretary Baker. In a statement yeaterday the Adjutant-General instructed Martin Conboy, director of the draft for New York city, to make the arrangements necessary for prompt registration of the new quotas.

"A number of volunteer assistant registrars will be needed." the statement says. "These registrars must be citi-

says. "These registrars must be citisens resident within the territory of the
docal boards which they are to serve.
"Mr. Conboy has requested that all
persons available report at once to the
local board within whose jurisdiction
they reside, or in writing to his office
at the Hall of Records, New York city,
at once, stating their qualifications. A
similar call has been made for volunteer forters to serve with the local teer interpreters to serve with the local

# GO TO BALTIMORE

Atlanta Penitentiary Full and Captives Are Diverted to Maryland Prison.

destination of men sentenced in the Fed- and British soldiers. eral courts. Too many men have been the Public Service Commission yester-day of the slow service. One man said the had been an hour trying to get from Grand Central station to Brooklyn An-the place is more than full. It has acthe place is more than full. It has accommodations for 1,600 prisoners.

Acting on instructions from Attorney General Gregory, Ben A. Matthews, Assistant United States Attorney, went before Judge Julius M. Mayer in the Federal District Court yesterday and had the place of confinement of prisoners sentenced from this district for more than one year changed from Atlanta to the Maryland State penitentiary, Balti-

porary. A new wing to house 1,200 ad-ditional prisoners, being built at the At-lanta penitentiary, will be completed this fall.

Federal prisoners to Atlanta from the terday when he told conflicting stories Atlantic and Guif States. Those from in applying for a water front pass other parts of the country are sent to the Enemy Alien Bureau he told prison at Leavenworth, Kan. Female M. Armstrong, chief examiner, that he prisoners and males convicted of misdecame here from Quincy, Mass, after meanors have been sent to State insti- working in a shippard at Fall River.

Eighty-six prisoners were sent to At lanta from New York since January 1. Several prisoners awaiting transporta-tion will go to Baltimore, as will all de-fendants whose appeals are denied and those convicted in the future until Judge Mayer's order is revoked.

### WILL AID CATHOLIC CHARITIES

Made by Margaret Moran. Bequests of from \$500 to \$1,000 eac Bequeats of from \$500 to \$1,000 each are made to ten Roman Catholic charities in the will of Margaret Moran of Brooklyn, filed for probate in Manhattan yesterday. The former sum ta given to St. Vincent's Home for the Aged.

Brooklyn, and to St. Joseph's Convent, Jersey City.
The larger amount is left each of the following Brooklyn institutions: Church of St. Vincent de Paul, Roman Catholi sioners and Interborough officials have received letters suggesting that the shuttle service be abolished altogether and alternate through trains be sent east and west under Forty-second street. The suggestion has been constantly under official discussion since the shuttle system broke.

Sacred Heart at Bayside, L. I. Mrs. Moran died July 7. A nephew, James Fogarty, and a niece, Lizzie Col-lins, who are made residuary legatees.

#### get \$1,000 in cash each MRS. ARNHEIM LEFT \$428,413. Mother of Dead Flier Wills For-

tune to Children. Mrs. Fannie Arnheim, mother of Sam uel W. Arnhelm of the Royal Flying Corps, killed in an aviation accident at Camp Hicks, Texas, March 21, left total assets of \$504.310 on her death here July 5, according to the transfer tax ap praisal of her estate, filed yesterday The net estate amounted to \$428.413. Mrs. Arnheim left Samuel all her common and preferred stock in the talloring business of Marks Arnheim, Inc. appraised at \$284,000, and one-third of equal amounts to her daughters, Mrs. Sophie G. B. Untermeyer and Minnie A.

Cash bequests of \$2,500 each were made to the Hebrew Orphan Asylum and the Hospital for Deformities and Joint The Congregation B'nai Jeshurun got \$5,000.

# WRECK DETECTIVES ARREST TOWERMAN

Picture of Anti-Liberty Bond Iron Cross Is Found in His Rooms.

which was dismissed by Judge Knox in July on a motion of Taylor. Humes & Hagg, counsel for Mrs. Gates, asserting lack of jurisdiction. Mrs. Gates is a resident of Texas.

Through the arrest yesterday of a Investigators for the Second district towerman on the Long Island Railroad in the last few days that a number of lewerry and automobile dealers are charging an extra 3 per cent, fax on recharging an extra 3 per cent, fax on recharging an extra 3 per cent, fax on recharging an extra 3 per cent. was the third suit brought by the eral soldiers were killed and others in-

# BARON ARRESTED FOR USING UNIFORM

Van der Noot Wore Regalia When Telling Experiences as Belgian Spy.

TWO ASSOCIATES

Adventurous Deserters From German Navy in Jail for Not Registering.

Baron Ferdinand van der Noot, who s said to have worn a uniform while telling his experiences as a Belgian spy to American audiences in aid of the Belgian Relief Fund, was arraigned yesterday before Samuel M. Hitchcock, United States Commissioner, with Gar-ret Demarcet and Clifford Shedd, said to a associates.

They were charged with violating law enacted July 8 which forbids civil ans wearing uniforms similar to those sed in the armed forces of the United States or its allies. They were held in \$2,000 bail each for a hearing August 20 on a complaint by Robert Casper, special agent of the Military Intelligence Bureau.

E. Paul Yaselii. Assistant United States Attorney and the Democratical agents.

States Attorney, said that Demorest and Shedd arranged meetings at which Van der Noot spoke, and that all three wore uniforms similar to those of American

Van der Noot is said to be a native of California and to claim his title brough an uncle. Herman Wuttke, 24, who has seen much of the world since he deserted from the German navy just before the European war, was committed to the

westigation into his failure to register as an enemy allen Wuttke was drafted into the German avy eight days before the war began. He ran away and sailed as a seaman to the Canary Islands, where he deserted his ship. He made his way to Hayti

Oscar Bayer, born in Saxony in 1886. Enemy Alien Bureau he told Perry came here from Quincy, Mass, after working in a shipyard at Fall River, Mass, as a tinsmith. He was sent to the Raymond street jall in Brooklyn

pending investigation.
Wilhelm Hoffman, 57, an enemy alten. 36 Bower street, Jersey City, was ex amined at the Enemy Allen Bureau and committed to the county jail at Newark. He did not register. He explained that he did not have time, and did not dis-guise his German sympathies. His arguise his German sympathies. His ar-rest led to the discovery that his wife also had failed to register. She was

aroled to register at once.

Richard Hosp, 39, 248 Erie street ersey City, a member of the Salvation Army, whose record is good, was com-mitted to the Raymond street jail yesterday to await investigation. He failed to register. He declared that he was parents to Switzerland when he was years old. He did not regard himse as a German, he said. He came to the United States in 1903.

### INDISCREET GERMAN SEIZED

Said Germany Could Win With Draft of Its 18 to 45 Man Power Jurgan Kuhle, 45. a masseur, was ar-rested in a cafe at Third avenue and

Seventy-sixth street and arraigned yes-terday on a charge of making seditious itterances. The complainant was Pat-ick J. Hartnett of 1340 Third avenue a veteran of the old Sixty-ninth Regi-ment. He accused Kuhle of saying: "If Germany drafted men between the ges of 18 and 45 they could easily

Germany has all the men she wants and they don't even know the

secused of Attempting to Extert

Gates was sued as the executive of the states of her husband and son. Men The officers found two of the rooms who were associated with the senior and juntor Gates in the alleged effort to but an examination of the closets remonopolize the corn crop were named as vested literature of a suspicious nature makes the actual cost \$154.50. An auto-

### **KEEPS SWEETNESS** Chicago Girl Brings Saccharine Fad Into Restaurant.

To Misa Hilda Ruttle of Chicago must o New York. Gold cigarette cases, vanity bags and cases, mirrors which are just large nough to show whether one's nose needs a dusting of powder, and that barbaric jumble of intimate things which used to be suspended on golden chains from milady's ring, must all take a back seat. For it is the saccharine vanity case

Miss Ruttle carried hers into the grill of one of New York's well known hotels yesterday at the luncheon hour, and she awcetened her foods and beverages with small tablets which she took from it. "It is quite unpatriotic to use more than one lump of sugar in war time," said Miss Ruttle," and the saccharine tablets offer a remedy for those who like more than one lump in their coffee or

Miss Ruttle said the saccharine vanity

## BATTERY PARK IS SAVED BY WOMEN

Plan Making Its Use Unnecessary.

Benedict Crowell, Assistant Secretary of War, has reconsidered his determination to use Battery Park as the site for a big Government building, and sent the following communication yesterday to the Woman's Auxiliary of the American Defence Society:
"Have plans before me for War De-

Battery Park site unnecessary, I appreciate your resecns for opposing the use of this site and now expect to be able to make other arrangements." The Government was given permis

and worked on a plantation. He reached this country in 1216 and has worked as a sallor on the great lakes and as a lumberman in Maine. He lived at 407 East Eighty-fourth street.

The Government was given permission to use the park July 30 by the war emergency board of the Board of Estimate in response to a direct inquiry from Mr. Crowell if the site could be made available. Laurence McGuire. be made available. Laurence McGuire, prosident of the Real Estate Board. aided in making the recommendation, and eald he did not recommend Battery Park until a thorough examination of other property in the vicinity had failed to meet the Government requirements Miss Elisabeth Marbury of the de-fence society sent a stirring appeal to the city and Government officials on Friday appealing to them to save the pack for the use of the city's poor and to afford a breathing space for every one working or living in that neighbor hood. It is understood that others joined her protest to Washington. The Government plans, as announced,

were for a building of 350,000 square feet of floor space with additional ecom for expansion to 1,000,000 if found nec-essary. The reason for putting up the structure, it was said, was to coordinate the Government offices now located in twenty-two buildings in various parts of the city It would have been necessary to use concrete in the construction, to uproot trees and to close a good share of the park. The trees could be replaced, Mr

# WOMEN WILL HELP POLICE RESERVES

Leaders in War and Civic Work to Confer To-day on Best Methods to Pursue.

The Police Department announced last night that a large number of women prominent in war work and civic circles in this city have been asked to attend a police. conference in the gymnasium in Police war is going on."

Kuhle denied he had said anything out of the way, but admitted he was born in Germany.

MAN OF 76 IS IMPRISONED.

Conterence in the Syllary at 4 o'clock, to ad weather, but because they had failed to make proper preparation, having too small stocks of coal and oil, and in the of the Police Reserves. Definite plans also will be formulated for the cooperation of women in the Police Field Days Were short of equipment.

PERSHING LAUDS BOYS' CAMP. August 24 and August 31.

Accused of Attempting to Extery

818,000 From Salesman.

An alternot was a feet of the Second district of the Second and the American Second of the Second and the Second Among those who have been asked to attend the conference are:

### LABORATORY AIDS WANTED.

Responded Bay Speedway. The proceeds will be used to buy universe for the special police. The Company's option at any time not to discovere assured the men that the new police would not crowd any of them out folse. Althetic contests, singing by operatic fare, motorcycle races and sirplane examples are on the programme.

The proceeds will be used to buy universe for the special police. The Company's option at any time not to the iron cross was made by the prisoner. He said that the rooms were empty because he had parted from his wife, and used them only for commercial photograms. The company will also build at an approximate cost of \$1,000,000, and as a paper similar to the list they had in the Orient. They had in the Orient are expected in connection with the distribution of anti-draft time.

The company's option at any time not to the iron cross was made by the prisoner. He said that the rooms were empty because he had parted from his wife, and used them only for commercial photograms and the crew of a standard the company will also build at an approximate cost of \$1,000,000, and as a paper similar type of the Pacific.

The planned to meet yesterday right the company's option at any time not to the iron cross was made by the prisoner. He said that the rooms were empty because he had parted from his wife, and used them only for commercial photograms. The company will also build at an approximate cost of \$1,000,000, and as a paper similar to the new scholarship. The class is limited to make the the iron cross was made by the prisoner. He said that the rooms were empty because he had parted from his wife, and used them only for commercial photograms. The company will also build at an approximate cost of \$1,000,000, and as a paper similar to the iron cross was made by the prisoner. He wait the company will also the options from \$2.00. The company will also build at an approximate cost of \$1,000,0

# IN HER VANITY CASE CLASH OF DECISIONS The Sun Calendar IN GAS RATE FIGHT

Hughes's Judgment Is Filed, but Justice Benedict Will Grant Injunction.

BOTH SIDES TO APPEAL

Lawyers for Brooklyn Borough Company and City Are Rebuked in Court.

These were the developments in the Brooklyn Borough Gas Company case vesterday, to which the other gas companies have been looking forward as giving them a chance to increase their Counsel for the company filed the

Hughes, the referee, with County Clerk Schneider in New York county and obtained a judgment declaring that the 80 cent law of 1906 was confiscatory and that the 95 cent rate fixed by the Public War Department Has Housing Service Commission in 1913 had been rendered null and void by later legislation, and declaring that the Public Service Commission was enjoined perpetually from enforcing such a rate.
Two hours later after hearing argument Justice Benedict in the Supreme Court, Brooklyn, announced that to-day he would grant the order asked by the Public Service Commission permanently restraining the gas company from putting into effect its announced rate of \$1.25, or in fact any rate in excess of

The Justice said he would stay the execution of the judgment and severely censured Wilson W. Thompson of Bas-sett, Thompson & Gilpatrick, counsel for the gas company, for entering the find-ings and the judgment in the face of his temporary injunction.

Anneal Walts Until October.

Counsel for the company announced they would appeal from the order of Justice Benedict, if granted to-day, as announced. No hearing can be had until the Appellate Division reconvenes in October. Counsel for the Public Service Commission expressed their determination to

take an appeal from the findings and judgment of Referee Hughes. They also will ask the Appellate Division, First Dewill ask the Appellate Division, First De-partment, for a stay of the operation of the judgment, pending a hearing on their appeal in October. "From the argument and the evidence now before me," said Justice Benedict, "I think I shall sustain the petition of the Public Service Commission. I be-lieve that the learned referee, for whose legal ability we all have the bighest legal ability we all have the highest respect, has fallen into error."

Mr. Thompson expressed deep regret that he should be considered to have committed contempt of court in filing the Hughes Judgment. the Justice had assured the lawyer he did not think there was wilful disregard of the court's order

said the incident would have no bearing

on his handling of the case

John P. O'Brien, Assistant Cororation Counsel, said : oration Counsel, said:

"We deem the action of this company in trying to charge a rate higher than 55 cents is highbanded. Their moves in this case are being closely watched by other gas companies whose attorneys are in court, and who are seeking to put their hands in the consumers pockets. their hands in the consumers' pockets

"I cannot permit such statements," said the Justice. "We have no politics to discuss here, simply a question of

The Public Service Commission conthe Public Service Commission con-curred yesterday in a series of recom-mendations made by Commissioner Kracke to the gas companies look-ing to preventing this winter a recurrence of the shortage of gas during the severe cold weather. He found that all the companies failed to keep up the standard of their gas not because of the cold their gas not because of the cold weather, but because they had failed to

### PERSHING LAUDS BOYS' CAMP.

Honored by Use of Name, He

# BAN ON "AD" PHOTO Board of Elections Decides Va

manufacture such articles, from using Democratic organization.

Lieut Webb's photograph on advertising Steps will be taken by She matter.

The combat the contention of the content of

Phelan Beale, the aviator's attorney, cessor should be elected the said Webb had been portrayed in aviation magazines, seated in an aeropiane was chosen at with motor goggles on his cap and that unstated term a line had been printed beneath stating that he was wearing glasses made by the firm in question. As a result, Beale explained, Lieut, Webb had suffered humiliation, his subordinates and superfors delicating by had been paid for the use of his photograph and name of the use of his photograph and name of the photograph had been used "had significant in the Passal vertently."

THE WEATHER

Eastern New York-Fair to-day, ex. cept thunder showers in north portion, o-morrow partly cloudy; gentle south.

west winds.

New Jersey—Fair to dat: in morrow showers and thunderstorms; incidents and variable winds.

Northern New England—Loca rains to day; warmer on the coast to morrow probably showers, moderate southerly winds.

Southern New England—Unsettled to day probably local rains; to morrow fair moderate southerly winds.

Western New York—Local rains and thunder showers and not so warm to day to morrow fair.

LOCAL WEATHER REPORTS Precipitation The temperature in this city resterday as recorded by the official thermometer, a shown in the annexed table

1918 1917 - 74 76 - 86 87 - 87 80 findings of former Justice Charles E.

Righest temperature, 58, at 2 P M Lowest temperature, 72, at 1 A M Average temperature, 80

Observations resterday at United States
Weather Bureau stations showing simes
pheric conditions in the vorticus cities

Temperature Veinc

Atlantic City 80 74 8 W 10 92 Clear
Eastport 68 8 8 Fost
Boaton 90 52 8 W 10 Clear
Jacksonville 92 70 N 10 Clear
Jacksonville 92 70 N 10 Clear
Chicago 86 80 8 W 12 Clear NW 10 S. . . NW Light S.W Light N.E. Light

MINIATURE ALMANAS Inited States Coast and Geodetic Moon sets 11:20 P M
HIGH WATER THIS DAY Sandy Hook 1:00 A M Gov Island Hell Gate 3:21 A M LOW WATER THIS DAY Sandy Hook T:19 A M Gov Island 1 to A M Hell Gate ... 9:55 A M

Note. The foregoing table has been conform to new "artificial time." EVENTS TO-DAY

Entertainment of Argentine salies of American bluejackets. Seventy first Regiment Armory, 3 P. M. Meeting of the Board of Education, Park avenue and Fifty-ninth street, 4 P. M. War thrift meeting. Madison Square Garden, 1:30 P. M.

# WAR BOARD PROBES **MOTORMEN'S CASE**

Eighteen on B. R. T. Elevated

and Subway Say Unionism Caused Their Discharge. John Henderson and C. B. Orburt of the National War Labor Board tried to iron out the wrinkles yesterday in

he case of eighteen motormen who were discharged in the last month by the New York Cousolidated Rallroad At a hearing in the Federal Building the men their representatives complaine that ther were discharged for joining Union 868 of the Brotherhood of Loce-motive Engineers, but the company as-serted they were discharged for other

National War Labor Board examines who will report back to that holy after the hearings are ended. The motormereceived the counsel of Ameletant Gra Chief Griffing of the brotherhood company operates the Brooklyn elevated and subway line and was represented by its vice-president, J. J. Dempsey and John R. Dixon, one of the motornien, told the examispite the warnings of Mr. Demistained the local of the brothernood

down for not making a proper stor the Sheepshead Bay station and on August 5 was discharged to misrepenenting facts. the stop at the Sheepshead Bay statio pany's accusation of his misreption of facts was based on statements appearing in the strike vote discula-which he signed as a member of the

He insisted the statement in the cir

cular that the Brooklyn Rap i Trans. Company had discharged outcomen by Franco-American counter strack was under way July 19 to write his appreciation of the designation of a boys training camp with his name and to comment on the principle of youthful military drill. The camp is conducted by the

"No," was the reply "They have "

like Dixon, and the hearing was in journed until to-day, when Mr. Lemma

FIGHT FOR SHERIFF MITCHELL

Sheriff Samuel Muchell of Queen and

## FLAG DESECRATOR IN JAIL

uncertainty comes through

Man Who Threw One in souther

son police court for tearing American flag in Pappa 8